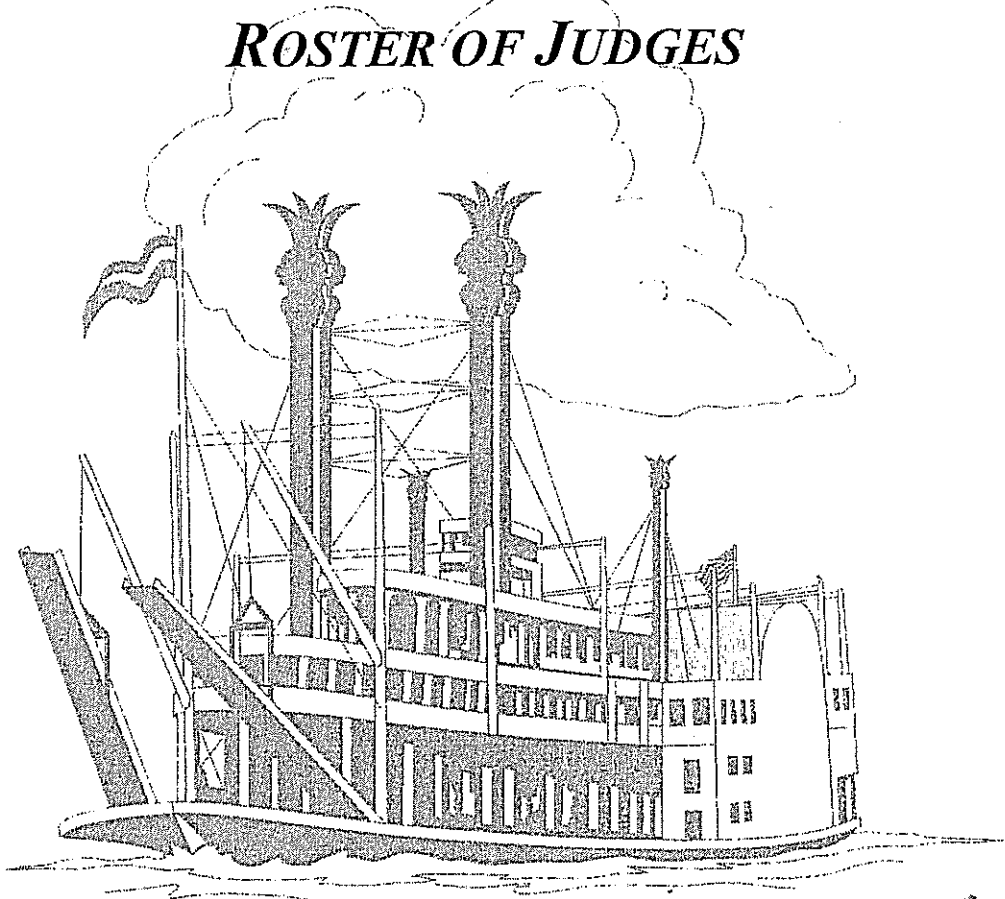


2003

*ANNUAL REPORT
AND
ROSTER OF JUDGES*



SIXTH CIRCUIT JUDICIAL CONFERENCE

*APRIL 10-12, 2003
THE PEABODY HOTEL
MEMPHIS, TENNESSEE*

*BOYCE F. MARTIN, JR.
CHIEF JUDGE*



A Message From the Chief Judge

number of federal practitioners experience their first circuit conference.

WELCOME

I take great pleasure in welcoming you to the fourth judges-only conference of the Sixth Circuit. As many of you know, the Court of Appeals adopted Rule 205 in 2000. That rule calls for the regular rotation between conferences that are open to all attorneys admitted to practice in the federal courts of our circuit and judges-only conferences. Our experience with these dual formats has shown that both have been highly successful. Our open conferences in Cincinnati in 2000 and in Cleveland in 2002 exceeded all of our expectations. Our valued Life Member group assumed the responsibility for a valuable contribution to the substantive portion of the conference program in each of those years in addition to advancing the hospitality of all in attendance. Both of those open conferences saw a large

This will be only the second time that the Sixth Circuit Judicial Conference has met in Memphis. When we consider the interesting and varied activities that the local planning committee of judges has planned for us as well as the exhaustive list of *Fun Things to Do in Memphis* that was included in your registration packet, we must wonder why we waited seventeen years to return to Memphis.

We owe a great debt of gratitude to the local planning committee headed by Circuit Judge Ronald L. Gilman. Similarly, the conference planning committee chaired by District Judge James G. Carr, with the assistance and support of the Federal Judicial Center, has given us another outstanding group of topics and speakers. We are greatly indebted also to the American Society of International Law for its support in providing two important and timely programs on the interaction of international law and the federal courts.

WORKLOAD

The following are some of the highlights of the workload of the circuit, district and bankruptcy courts in the Sixth Circuit.

Court of Appeals

- New filings decreased by 3.1 percent to 4,600 cases.
- Appeals terminated decreased by 7.4 percent to 4,612. This decrease in terminations was due to the number of vacancies on the court which did not permit the court to maintain its customary level of hearings in 2002.

District Courts

- Circuit-wide, civil filings increased by 37 percent for the period ending September 30. Most of this increase is attributable to the growth of filings in the Northern District of Ohio mass tort litigation. Absent that increase, civil filings would have remained virtually constant in 2002.
- Civil terminations decreased by 2 percent over 2001.

- Criminal filings increased by 3.6 percent in the Sixth Circuit during 2002, with the Western District of Tennessee recording a 10 percent increase.

Bankruptcy Courts

- The bankruptcy courts in the Sixth Circuit followed the national trend in filings, with an increase of 10 percent in filings in 2002.

BANKRUPTCY APPELLATE PANEL

On January 1, 2003, Bankruptcy Judge William T. Bodoh of the Northern District of Ohio and Bankruptcy Judge Jennie D. Latta of the Western District of Tennessee joined the Bankruptcy Appellate Panel replacing Judges Patricia Morgenstern-Clarren of the Northern District of Ohio and William H. Brown of the Western District of Tennessee, respectively, whose terms had expired. They join Judge Steven W. Rhodes of the Eastern District of Michigan, who serves as chief judge, and Judges J. Vincent Aug of the Southern District of Ohio, John C. Cook of the Eastern District of Tennessee and William S. Howard of the Eastern District of Kentucky.

COMMITTEES AND APPOINTMENTS

The Sixth Circuit continues to be well represented by the many judges who serve on the committees of the Judicial Conference of the United States and other special assignments for the administration of justice. The complete roster of committee members from the Sixth Circuit is as follows:

Hon. Alice M. Batchelder
Sixth Circuit
Committee on Information Technology

Hon. Jennifer B. Coffman
Eastern and Western Districts
of Kentucky
Committee on Judicial Resources

Hon. Robert L. Echols
Middle District of Tennessee
Committee on the Judicial Branch

Hon. R. Allan Edgar
Eastern District of Tennessee
*Committee on Court Administration
and Case Management*

Hon. Richard Alan Enslin
Western District of Michigan
Committee on Criminal Law

Hon. John G. Heyburn, II
Western District of Kentucky
Chair, Committee on the Budget

Hon. Joseph M. Hood
Eastern District of Kentucky
Committee on Financial Disclosure

Hon. Damon J. Keith
Sixth Circuit
Committee on the Judicial Branch

Hon. Boyce F. Martin, Jr.
Sixth Circuit
Executive Committee

Hon. David W. McKeague
Western District of Michigan
Committee on Defender Services

Hon. James D. Moyer
Western District of Kentucky
Committee on Federal-State Jurisdiction

Hon. Alan E. Norris
Sixth Circuit
Committee on the Administrative Office

Hon. George C. Paine II
Middle District of Tennessee
*Committee on International Judicial
Relations*

Hon. Dan A. Polster
Northern District of Ohio
*Committee on the Administration of the
Magistrate Judge System*

Hon. Thomas B. Russell
Western District of Kentucky
Advisory Committee on Civil Rules

Hon. Edmund Sargus, Jr.
Southern District of Ohio
Committee on Space and Facilities

Hon. Eugene E. Siler, Jr.
Sixth Circuit
Committee on Federal State Jurisdiction

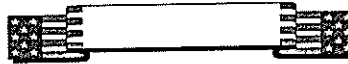
Hon. David T. Stosberg
Western District of Kentucky
*Committee on the Administration
of the Bankruptcy System*

Hon. Gordon J. Quist
Western District of Michigan
Committee on the Codes of Conduct

CONCLUSION

This is my last opportunity to address you in this forum as my term as chief judge will end on September 30, 2003. I want to thank each of you for your hard work, support, friendship and goodwill over the last seven years. The challenges facing the federal courts remain daunting, but I am convinced that the Sixth Circuit will continue to remain a great circuit because of the dedicated service of our judges.

My personal best wishes to each of you.



Judicial Personnel

in the

Sixth Circuit





Judicial Personnel in the Sixth Circuit

United States District Courts

Death

Joseph P. Kinneary. The Honorable Joseph P. Kinneary, retired Judge of the United States District Court for the Southern District of Ohio, died on February 14, 2003 at the age of 97. He served on the district court for 35 years, from his appointment in 1966 until his full retirement in 2001. Judge Kinneary was a graduate of Notre Dame University and the University of Cincinnati College of Law. He was an Army veteran having served from 1942 to 1946 when he was discharged with the rank of Captain. He twice served as assistant Attorney General of Ohio. At the time of his appointment to the District Court, he was serving his second term as United States Attorney for the Southern District of Ohio. He served as Chief Judge of the District from March 2, 1973 to September 8, 1975. Judge Kinneary took senior status on December 31, 1986, but continued to take a 100 percent draw for the criminal docket and an 80 percent draw for the civil docket until his retirement on August 31, 2001.

Senior Status

Thomas Gray Hull. The Honorable Thomas Gray Hull, United States District Judge for the Eastern District of Tennessee, assumed senior status on the 1st day of October, 2002. A veteran of World War II, he served in the United States Army in the Phillipines and as part of the first American occupational forces landing in Sabo, Japan on October 1, 1945. Following his discharge, Judge Hull attended Tusculum College and the University of Tennessee Law School. Following graduation from law school, he practiced law in Greeneville; served in the Tennessee legislature; served as circuit judge for the 20th Judicial Circuit of Tennessee; and legal counsel to Tennessee Governor Lamar Alexander. On November 14, 1983, Judge Hull was appointed to the United States District Court for the Eastern District of Tennessee. For six months during 1984 he was the only judge sitting in the Eastern District of Tennessee. He became Chief Judge on November 23, 1984 and served until November 22, 1991. Judge Hull continues to render valuable service to the Court.

Retirements

Douglas W. Hillman. The Honorable Douglas W. Hillman, United States District Judge for the Western District of Michigan, retired on October 1, 2002. He was appointed to the bench on September 26, 1979, and served the District as its Chief Judge from 1986 to 1991 when he assumed senior status. Judge Hillman's undergraduate studies at the University of Michigan were interrupted by World War II. In 1942 he joined the Army Air Corps and became a B-24 Liberator bomber pilot who flew 48 bombing missions over occupied Europe and Nazi Germany, for which he received the Distinguished Flying Cross and an Air Medal. Following the war Judge Hillman returned to the University of Michigan and received his B.A. in 1946 and his LL.B. in 1948. After passing the bar he practiced law for 31 years until his appointment to the bench in 1979. Judge Hillman served on the Committee on the Administration of the Magistrate Judge System of the Judicial Conference of the United States and as Chairman of the Standing Committee on the Sixth Circuit Judicial Conference. He is the recipient of many awards including the ACLU Annual Civil Liberties Award and the Champion of Justice Award by the State Bar of

Michigan. Judge Hillman will be greatly missed by his colleagues and by those throughout the Sixth Circuit who knew him.

James H. Allen, Sr. The Honorable James H. Allen, Sr., United States Magistrate Judge for the Western District of Tennessee at Memphis, retired on March 15, 2003. He served three 8-year terms as magistrate. Judge Allen is a graduate of Memphis State University and Tulane University School of Law which he attended on a full academic scholarship. Prior to his appointment to the bench he was in private practice; and from 1969 to 1979, he served as Assistant District Attorney in Memphis. Judge Allen has lectured at a Federal Practice Seminar for the Federal Bar Association and on criminal law for the Shelby County Sheriff's Office. He is a member of the National Council of U.S. Magistrates and the Supreme Court Historical Society. Judge Allen continues to serve the District in recall status.

Jack Sherman, Jr. The Honorable Jack Sherman, Jr., United States Magistrate Judge for the Southern District of Ohio at Cincinnati, retired on April 4, 2003. His retirement brings to a close his fourteen years as a United States

Magistrate having assumed his duties on April 1, 1989. Judge Sherman has had a long career in public service as a school teacher, law school professor, assistant solicitor and assistant prosecutor of the City of Cincinnati, assistant attorney general for the State of Ohio; and as Judge of the Hamilton County, Ohio Court of Common Pleas. He is a member of the Federal, American and Ohio State Bar Associations. Judge Sherman has served as president of both the Cincinnati Bar Association and the Cincinnati Chapter of the Federal Bar Association. He is a member of the Board of Trustees of Xavier, Ohio University and The Murray and Agnes Seasongood Good Government Foundation, and is a mentor in the Cincinnati, Ohio Youth Collaborative. Judge Sherman continues to serve the District in recall status.

*United States Court of Appeals
for the Sixth Circuit*

New Appointments

Julia Smith Gibbons. The Honorable Julia Smith Gibbons was sworn in as United States Circuit Judge for the Sixth Circuit Court of Appeals on August 2, 2002. She was appointed to fill the vacancy created by the assumption of

senior status by Circuit Judge Gilbert S. Merritt on January 17, 2001. Her appointment to the Circuit Court follows nineteen years on the United States District Court for the Western District of Tennessee, including seven years as Chief Judge of the District. At the time of her appointment to the District Court she was the Country's youngest Article III Judge and the first woman federal judge appointed in Tennessee. In 1990 Chief Justice William H. Rehnquist appointed her to serve on the Judicial Resources Committee of the Judicial Conference of the United States, and she served as chairman of that Committee from 1994-1999. Judge Gibbons is currently serving a five-year term as a member of the Judicial Panel on Multi-District Litigation. She is a member of the Memphis Bar Association and a Fellow of the American, Memphis and Shelby County, and Tennessee Bar Foundations. Judge Gibbons served as the first president of the Tennessee Lawyers Association for Women. She is the recipient of numerous awards including Outstanding Judge of the Year Award and Women in the Law Award from the Memphis Bar Association.

John M. Rogers. The Honorable John M. Rogers was sworn in as Judge of

the United States Court of Appeals for the Sixth Circuit on November 27, 2002. He assumes the vacancy on the Court that was created by the assumption of senior status by Circuit Judge Eugene E. Siler, Jr. on January 1, 2002. Judge Rogers is a Phi Beta Kappa graduate of Stanford University and an Order of the Coif graduate of the University of Michigan Law School. Prior to his appointment to the bench, Judge Rogers was the Thomas P. Lewis Professor of Law at the University of Kentucky College of Law where he taught constitutional, administrative and international law. From 1974-78 he was an appellate attorney in the Civil Division of the U.S. Department of Justice, and from 1983 to 1985 returned to the Department as a visiting professor to represent the Departments of State, Defense, Treasury and INS. Judge Rogers has twice been a Fulbright Senior Lecturer in the People's Republic of China in Beijing in 1987-88 and in Guangzhou in 1994-95. He is a retired lieutenant colonel in the Army Reserve and the Kentucky Army National Guard.

United States District Courts

New Appointments.

Thomas M. Rose. The Honorable Thomas M. Rose, United States District Judge for the Southern District of Ohio at Dayton, was appointed on June 21, 2002. He fills the vacancy created by the assumption of senior status by United States District Judge Herman J. Weber of Cincinnati. Judge Rose is a graduate of Ohio University and the University of Cincinnati College of Law. He began his legal career in Xenia, Ohio as an Assistant Prosecutor in the Greene County Prosecutor's Office. He then served as Chief Magistrate for the Greene County Juvenile Court where he presided over cases involving alleged delinquent, abused and neglected children. Judge Rose then became Chief of the Civil Division of the Greene County Prosecutor's Office where he represented a broad spectrum of elected officials, boards and governmental entities. While serving as an assistant prosecutor he maintained a private practice litigating personal injury lawsuits, contract disputes, will contests and domestic relations matters. He was appointed Judge of the Greene County Common Pleas Court and was subsequently elected to the Common Pleas bench where he presided over civil

and felony criminal cases. Judge Rose served in that position until his appointment to the District Court.

Thomas M. Phillips. The Honorable Thomas M. Phillips was appointed United States District Judge for the Eastern District of Tennessee at Knoxville on November 19, 2002. He assumes the vacancy created by the assumption of senior status by United States District Judge James H. Jarvis on February 28, 2002. Judge Phillips is a graduate of Berea College, Vanderbilt University School of Law, and George Washington University National Law Center. Prior to his appointment he had served since February 14, 1991 as United States Magistrate Judge for the Eastern District of Tennessee. Prior to that he was in private practice. He is a member of the American, Tennessee and Knoxville Bar Associations and of the Hamilton Burnett Chapter, American Inns of Court.

Samuel H. Mays, Jr. The Honorable Samuel H. Mays, Jr. was appointed United States District Judge for the Western District of Tennessee, on June 17, 2002. He was appointed to the vacancy created by the untimely death of United States District Judge Jerome Turner. Judge Mays is a graduate of

Amherst College and Yale University School of Law. From 1973 to 1995 he was an associate and then a shareholder in the Memphis law firm of Heiskell, Donelson, Bearman, Adams, Williams & Kirsch. From 1995 to 1997 Judge Mays served as Legal Counsel to the Governor of Tennessee; and from 1997 to 2000, he served as Deputy to the Governor and Chief of Staff. At the time of his appointment to the bench he had returned to private practice.

Gregory L. Frost. The Honorable Gregory L. Frost was sworn in as United States District Judge for the Southern District of Ohio at Columbus on March 19, 2003. Judge Frost succeeds United States District Judge George C. Smith who assumed senior status on January 1, 2002. Judge Frost is a graduate of Wittenberg University and Ohio Northern University School of Law where he was Editor of the Ohio Northern University Law Review. Prior to his appointment, Judge Frost had served as Assistant Prosecutor for Licking County and as Judge of the Licking County Municipal Court.

J. Daniel Breen. The Honorable J. Daniel Breen was appointed to the United States District Court for the Western District of Tennessee at Memphis on

March 18, 2003. He succeeds the Honorable Julia Smith Gibbons who was appointed to serve on the Sixth Circuit Court of Appeals. Judge Breen is a *summa cum laude* graduate of Spring Hill College in Mobile, Alabama, and the University of Tennessee Law School where he served on the *Tennessee Law Review*. Following graduation from law school he was in private practice with the firm of Waldrop, Breen, Bryant, Crews, Taylor and McLeary. In 1991 he was appointed United States Magistrate Judge for the Western District of Tennessee and served in that capacity until his appointment as United States District Judge for the Western District of Tennessee.

Thomas A. Varlan. The Honorable Thomas A. Varlan was sworn in as United States District Judge for the Eastern District of Tennessee on April 5, 2003, succeeding the Honorable Leon Jordan who assumed senior status on December 1, 2001. He is a graduate of the University of Tennessee and Vanderbilt University School of Law. Judge Varlan is a member of Order of the Coif and Phi Beta Kappa. He served as Managing Editor of the *Vanderbilt Law Review*. At the time of his appointment he was a member of the law firm of Bass, Berry & Sims.

John R. Adams. The Honorable John R. Adams was sworn in as United States District Judge for the Northern District of Ohio at Akron on February 19, 2003. He succeeds retired United States District Judge George W. White. Judge Adams is a *cum laude* graduate of Bowling Green State University and the University of Akron Law School. After graduation, he clerked for the Honorable W.F. Spicer of the Court of Common Pleas. From 1984 to 1999 Judge Adams was in private practice and served as Assistant Prosecutor for Summit County. At the time of his appointment to the District Court, he was serving as Common Pleas Judge for Summit County, Ohio.

United States Bankruptcy Courts

Deaths

David E. Nims, Jr. The Honorable David E. Nims, Jr. who served as United States Bankruptcy Judge for the Western District of Michigan from 1955 to 1986, and who served the Court in recall status from 1986 to 1992 died on February 28, 2003. Judge Nims was 90 years of age and was preceded in death by his wife, Sybil. He was a 1936 graduate of the University of Michigan Law School who then went into private practice in Kalamazoo,

Michigan. He was a veteran of World War II having served in Germany in the Battle of the Bulge for which he won a Purple Heart. After the war, Judge Nims returned to his law practice in Kalamazoo. He served as President of the Kalamazoo Bar Association, chairman of the Family Law Committee of the State Bar, and United States Commissioner. After his appointment to the Bankruptcy court, he moved his family to Grand Rapids. During his tenure on the bench, Judge Nims lectured extensively on bankruptcy law and contributed to a number of publications. He was a member of the Board of Directors of the Grand Rapids Child Guidance Clinic for many years and a member of the Grand Rapids Torch Club.

Laurence E. Howard. The Honorable Laurence E. Howard who served as United States Bankruptcy Judge for the Western District of Michigan for 23 years passed away on February 22, 2003. He was appointed to the bankruptcy bench in 1976 and served until his retirement in 1999. Judge Howard served the Court as Chief Judge from October 1, 1986 until March 3, 1998. He was a graduate of Notre Dame University and its law school. From 1954 to 1956 Judge Howard served in the United States Army.

Prior to his appointment to the bankruptcy bench, he served as an Assistant City Attorney for Grand Rapids and engaged in the private practice of law. In 1968 he ran for Congress, as a Democrat, against Gerald R. Ford. In recognition of his service on the bench, the bankruptcy bar presented Larry with its Lion of Justice award in 2001. He was a Double Domer from Notre Dame and a devoted fan.

New Appointments

Arthur I. Harris. The Honorable Arthur I. Harris was appointed United States Bankruptcy Judge for the Northern District of Ohio at Cleveland on October 7, 2002. Judge Harris succeeds United States Bankruptcy Judge David F. Snow who retired on July 25, 2000. Prior to his appointment, Judge Harris had served as Assistant United States Attorney for the Northern District of Ohio for 18 years.

Thomas H. Fulton. The Honorable Thomas H. Fulton was appointed United States Bankruptcy Judge for the Western District of Kentucky on December 6, 2002. He assumes the vacancy created by the expiration of the term of United States Bankruptcy Judge J. Wendell Roberts on October 15, 2001. Judge Fulton graduated with special

distinction from Mississippi State University; and Tulane University Law School. Prior to his appointment to the bench, Judge Fulton was in private practice with the law firm of Humphreys Dunlap Wellford Acuff & Stanton in Memphis, Tennessee.

Marci Beth McIvor. The Honorable Marci Beth McIvor was appointed United States Bankruptcy Judge for the Eastern District of Michigan on March 14, 2003. She succeeds United States Bankruptcy Judge Arthur J. Spector whose term expired on March 24, 2002. Since March of 1986 Judge McIvor has served as Assistant Attorney General for the State of Michigan and was serving as First Assistant specializing in bankruptcy law and litigation on behalf of the Michigan Department of Treasury and other state agencies at the time of her appointment. She is a *cum laude* graduate of Harvard University; and she received her Juris Doctor from Wayne State University Law School.

Thomas J. Tucker. The Honorable Thomas J. Tucker was appointed to fill the bankruptcy judge vacancy created by the retirement of United States Bankruptcy Judge Ray Reynolds Graves on January 5, 2002. He is a *summa cum laude* graduate

of the University of Toledo, and a *cum laude* graduate of Harvard Law School. Following graduation from law school, Judge Tucker served as a law clerk to the Honorable Albert J. Engel, United States Circuit Judge for the Sixth Circuit. Since 1982, he has been in private practice with the Toledo law firm of Cooper & Walinski, starting first as an associate and becoming a shareholder in 1986. Judge Tucker is the recipient of several awards for his work for indigents through the Pro Bono Legal Services Program of the Toledo Bar Association and has been inducted into the St. Clement School "Hall of Fame" in recognition for his service to the community. Judge Tucker assumed his duties on March 21, 2003.

Phillip J. Shefferly. The Honorable Phillip J. Shefferly was sworn in as United States Bankruptcy Judge for the Eastern District of Michigan on March 21, 2003. He was appointed to succeed United States Bankruptcy Judge Walter Shapero who retired on July 14, 2002. Judge Shefferly received his Bachelor of Arts Degree with High Distinction from the University of Michigan and his Juris Doctor Degree, *magna cum laude*, from Wayne State University Law School. From 1979 through 1989, he was a practicing attorney with the Southfield

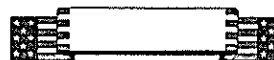
Michigan law firm of Schlusell, Lifton, Simon, Rands, Galvin & Jackier. Since January 1990 Judge Shefferly has been president and director of the law firm of Shefferly, Silverman & Morris of West Bloomfield, Michigan. He specialized in Chapter 11 and other bankruptcy cases, business reorganizations, creditors rights, and commercial litigation. Judge Shefferly is an active member of the University of Michigan Alumni Association and a member of USA Hockey and a certified amateur youth ice hockey coach

United States Magistrate Judges

New Appointments.

Sharon B. Ovington The Honorable Sharon B. Ovington was sworn in as United States Magistrate Judge for the Southern District of Ohio at Dayton on October 28, 2002. She was appointed to a newly authorized magistrate judge position, and is the first female magistrate judge appointed to the Southern District of Ohio, Western Division at Dayton. Judge Ovington is a graduate of the University of Cincinnati and the University of Dayton Law School. Prior to her appointment, Judge Ovington was a partner at the firm of Greger & Ovington in Dayton.

R. Steven Whalen. The Honorable R. Steven Whalen was appointed United States Magistrate Judge for the Eastern District of Michigan on September 11, 2002. He succeeds United States Magistrate Judge Marc Goldman who resigned his position. Originally from Chicago, he received a B.A. from the University of Illinois and his J.D. from Wayne State University School of Law. Prior to his appointment, Judge Whalen was a sole practitioner in Detroit, specializing in criminal defense. Earlier in his career, he was an attorney at the Senior Citizens Legal Aid Project and the Michigan State Appellate Defender Office. He has been a frequent lecturer in the area of criminal practice, and recently authored a comprehensive procedure manual on criminal appeals.





Roster
of
Judges

United States Supreme Court

Circuit Justice

Honorable John Paul Stevens, Washington, D.C.

United States Court of Appeals for the Sixth Circuit

Honorable Boyce F. Martin, Jr., Chief Judge, Louisville, Kentucky

Honorable Danny J. Boggs, Louisville, Kentucky

Honorable Alice M. Batchelder, Medina, Ohio

Honorable Martha Craig Daughtrey, Nashville, Tennessee

Honorable Karen Nelson Moore, Cleveland, Ohio

Honorable R. Guy Cole, Jr., Columbus, Ohio

Honorable Eric L. Clay, Detroit, Michigan

Honorable Ronald Lee Gilman, Memphis, Tennessee

Honorable Julia Smith Gibbons, Memphis, Tennessee

Honorable John M. Rogers, Lexington, Kentucky

Senior United States Circuit Judges

Honorable Damon J. Keith, Detroit, Michigan

Honorable Gilbert S. Merritt, Nashville, Tennessee

Honorable Cornelia G. Kennedy, Detroit, Michigan

Honorable Robert B. Krupansky, Cleveland, Ohio

Honorable Ralph B. Guy, Jr., Ann Arbor, Michigan

Honorable David A. Nelson, Cincinnati, Ohio

Honorable James L. Ryan, Detroit, Michigan

Honorable Alan E. Norris, Columbus, Ohio

Honorable Richard F. Suhrheinrich, Lansing, Michigan

Honorable Eugene E. Siler, Jr., London, Kentucky

Senior United States Circuit Judges Retired

Honorable Pierce Lively, Danville, Kentucky

Honorable Albert J. Engel, Grand Rapids, Michigan

Honorable Bailey Brown, Memphis, Tennessee

Honorable Harry W. Wellford, Memphis, Tennessee
Honorable H. Ted Milburn, Chattanooga, Tennessee

***United States District Court
Eastern District of Kentucky***

United States District Judges

Honorable Karl S. Forester, Chief Judge, Lexington
Honorable Joseph M. Hood, Lexington
Honorable Jennifer B. Coffman, Lexington
Honorable Karen K. Caldwell, London
Honorable Danny C. Reeves, London
Honorable David L. Bunning, Covington

Senior United States District Judges

Honorable William O. Bertelsman, Covington
Honorable G. Wix Unthank, London
Honorable Henry R. Wilhoit, Jr., Ashland

United States Bankruptcy Judges

Honorable Joseph M. Scott, Jr., Chief Judge, Lexington
Honorable William S. Howard, Lexington

United States Bankruptcy Judge Retired

Honorable Joe Lee, Lexington

United States Magistrate Judges

Honorable J. B. Johnson, Jr., London
Honorable Peggy E. Patterson, Ashland
Honorable James Black Todd, Lexington
Honorable J. Gregory Wehrman, Covington

*United States District Court
Western District of Kentucky*

United States District Judges

Honorable John G. Heyburn II, Chief Judge, Louisville
Honorable Charles R. Simpson III, Louisville
Honorable Thomas B. Russell, Paducah
Honorable Joseph H. McKinley, Jr., Owensboro

Senior United States District Judge

Honorable Edward H. Johnstone, Paducah

United States Bankruptcy Judges

Honorable David T. Stosberg, Chief Judge, Louisville
Honorable Joan Lloyd Cooper, Louisville
Honorable Thomas H. Fulton, Louisville

United States Magistrate Judges

Honorable C. Cleveland Gambill, Louisville
Honorable E. Robert Goebel, Owensboro
Honorable W. David King, Paducah
Honorable James D. Moyer, Louisville

*United States District Court
Eastern District of Michigan*

United States District Judges

Honorable Lawrence P. Zatkoff, Chief Judge, Detroit
Honorable Bernard A. Friedman, Detroit
Honorable Gerald E. Rosen, Detroit
Honorable Robert H. Cleland, Detroit
Honorable Nancy G. Edmunds, Detroit
Honorable Denise Page Hood, Detroit
Honorable Paul D. Borman, Detroit
Honorable John Corbett O'Meara, Detroit
Honorable Arthur J. Tarnow, Detroit
Honorable George Caram Steeh III, Detroit
Honorable Victoria A. Roberts, Detroit
Honorable Marianne O. Battani, Ann Arbor
Honorable David M. Lawson, Bay City

Senior United States District Judges

Honorable John Feikens, Detroit
Honorable Julian Abele Cook, Jr., Detroit
Honorable Avern Cohn, Detroit
Honorable Anna Diggs Taylor, Detroit
Honorable George E. Woods, Detroit
Honorable Patrick J. Duggan, Detroit
Honorable Paul V. Gadola, Flint

Senior United States District Judges Retired

Honorable Charles W. Joiner, Ann Arbor
Honorable James Harvey, Port Huron
Honorable James P. Churchill, Bay City
Honorable Stewart A. Newblatt, Flint
Honorable Horace W. Gilmore, Detroit
Honorable Barbara K. Hackett, Ann Arbor

United States Bankruptcy Judges

Honorable Steven W. Rhodes, Chief Judge, Detroit
Honorable Marci Beth McIvor, Detroit
Honorable Phillip J. Shefferly, Detroit
Honorable Thomas J. Tucker, Detroit

United States Bankruptcy Judge Retired

Honorable Walter Shapero, Detroit

United States Magistrate Judges

Honorable Charles E. Binder, Bay City
Honorable Wallace Capel, Jr., Flint
Honorable Thomas A. Carlson, Detroit
Honorable Virginia M. Morgan, Detroit
Honorable Steven D. Pepe, Ann Arbor
Honorable Donald A. Scheer, Detroit
Honorable R. Steven Whalen, Detroit

United States Magistrate Judge Retired

Honorable Paul J. Komives, Detroit

***United States District Court
Western District of Michigan***

United States District Judges

Honorable Robert Holmes Bell, Chief Judge, Grand Rapids
Honorable Richard A. Enslin, Kalamazoo
Honorable David W. McKeague, Lansing
Honorable Gordon J. Quist, Grand Rapids

Senior United States District Judge

Honorable Wendell A. Miles, Grand Rapids

Senior United States District Judges Retired

Honorable Douglas W. Hillman, Grand Rapids
Honorable Benjamin F. Gibson, Grand Rapids

United States Bankruptcy Judges

Honorable James D. Gregg, Chief Judge, Grand Rapids
Honorable Jo Ann C. Stevenson, Grand Rapids
Honorable Jeffrey R. Hughes, Grand Rapids

United States Magistrate Judges

Honorable Hugh W. Brenneman, Jr., Grand Rapids
Honorable Ellen S. Carmody, Grand Rapids
Honorable Timothy P. Greeley, Marquette
Honorable Joseph G. Scoville, Grand Rapids

***United States District Court
Northern District of Ohio***

United States District Judges

Honorable Paul R. Matia, Chief Judge, Cleveland
Honorable Lesley Brooks Wells, Cleveland
Honorable James G. Carr, Toledo
Honorable Solomon Oliver, Jr., Cleveland
Honorable David A. Katz, Toledo
Honorable Kathleen M. O'Malley, Cleveland
Honorable Donald C. Nugent, Cleveland
Honorable Peter C. Economus, Youngstown
Honorable Patricia A. Gaughan, Cleveland
Honorable James S. Gwin, Akron
Honorable Dan A. Polster, Cleveland
Honorable John R. Adams, Akron

Senior United States District Judges

Honorable John M. Manos, Cleveland
Honorable Ann Aldrich, Cleveland
Honorable John W. Potter, Toledo
Honorable David D. Dowd, Jr., Akron

Senior United States District Judge Retired

Honorable Sam H. Bell, Akron

United States Bankruptcy Judges

Honorable William T. Bodoh, Chief Judge, Youngstown
Honorable Richard L. Speer, Toledo
Honorable Randolph Baxter, Cleveland
Honorable Marilyn Shea-Stonum, Akron
Honorable Pat E. Morgenstern-Clarren, Cleveland
Honorable Russ Kendig, Canton

Honorable Mary Ann Whipple, Toledo
Honorable Arthur I. Harris, Cleveland

United States Magistrate Judges

Honorable Vernelis K. Armstrong, Toledo
Honorable William H. Baughman, Jr., Cleveland
Honorable James S. Gallas, Akron
Honorable Patricia A. Hemann, Cleveland
Honorable George J. Limbert, Youngstown
Honorable Jack B. Streepy, Cleveland
Honorable Nancy A. Vecchiarelli, Cleveland

United States Magistrate Judge Retired

Honorable David S. Perelman, Cleveland

*United States District Court
Southern District of Ohio*

United States District Judges

Honorable Walter H. Rice, Chief Judge, Dayton
Honorable James L. Graham, Columbus
Honorable Sandra S. Beckwith, Cincinnati
Honorable Susan J. Dlott, Cincinnati
Honorable Edmund A. Sargus, Jr., Columbus
Honorable Algenon L. Marbley, Columbus
Honorable Thomas M. Rose, Dayton
Honorable Gregory L. Frost, Columbus

Senior United States District Judges

Honorable S. Arthur Spiegel, Cincinnati
Honorable John D. Holschuh, Columbus
Honorable Herman J. Weber, Cincinnati
Honorable George C. Smith, Columbus

United States Bankruptcy Judges

Honorable Thomas F. Waldron, Chief Judge, Dayton
Honorable Barbara J. Sellers, Columbus
Honorable J. Vincent Aug, Jr., Cincinnati
Honorable Charles M. Caldwell, Columbus
Honorable Jeffery P. Hopkins, Cincinnati
Honorable John E. Hoffman, Jr., Dayton

United States Bankruptcy Judges Retired

Honorable Burton Perlman, Cincinnati
Honorable William A. Clark, Dayton
Honorable Donald E. Calhoun, Jr., Columbus

United States Magistrate Judges

Honorable Mark R. Abel, Columbus
Honorable Timothy S. Hogan, Cincinnati
Honorable Terence P. Kemp, Columbus
Honorable Norah McCann King, Columbus
Honorable Michael R. Merz, Dayton
Honorable Sharon L. Ovington, Dayton

United States Magistrate Judge Retired

Honorable Jack Sherman, Jr.

***United States District Court
Eastern District of Tennessee***

United States District Judges

Honorable R. Allan Edgar, Chief Judge, Chattanooga
Honorable Curtis L. Collier, Chattanooga
Honorable Thomas W. Phillips, Knoxville
Honorable Thomas A. Varlan, Knoxville

Senior United States District Judges

Honorable Thomas G. Hull, Greeneville
Honorable James H. Jarvis II, Knoxville
Honorable Leon Jordan, Knoxville

United States Bankruptcy Judges

Honorable John C. Cook, Chief Judge, Chattanooga
Honorable Richard S. Stair, Jr., Knoxville
Honorable Marcia P. Parsons, Greeneville
Honorable R. Thomas Stinnett, Chattanooga

United States Bankruptcy Judge Retired

Honorable Ralph H. Kelley, Chattanooga
United States Magistrate Judges

Honorable Dennis H. Inman, Greeneville
Honorable William B. Mitchell Carter, Chattanooga
Honorable C. Clifford Shirley, Knoxville

United States Magistrate Judge Retired

Honorable John Y. Powers, Chattanooga

*United States District Court
Middle District of Tennessee*

United States District Judges

Honorable Robert L. Echols, Chief Judge, Nashville
Honorable Todd J. Campbell, Nashville
Honorable Aleta A. Trauger, Nashville
Honorable William J. Haynes, Nashville

Senior United States District Judges

Honorable Thomas A. Wiseman, Jr., Nashville
Honorable John T. Nixon, Nashville
Honorable Thomas A. Higgins, Nashville

United States Bankruptcy Judges

Honorable George C. Paine II, Chief Judge, Nashville
Honorable Keith M. Lundin, Nashville
Honorable Marian F. Harrison, Nashville

United States Magistrate Judges

Honorable Juliet E. Griffin, Nashville

Honorable Joe B. Brown, Nashville
Honorable E. Clifton Knowles, Nashville

***United States District Court
Western District of Tennessee***

United States District Judges

Honorable James D. Todd, Chief Judge, Jackson
Honorable Jon Phipps McCalla, Memphis
Honorable Bernice B. Donald, Memphis
Honorable Samuel H. Mays, Jr., Memphis
Honorable J. Daniel Breen, Jackson

Senior United States District Judges Retired

Honorable Robert M. McRae, Memphis
Honorable Odell Horton, Memphis

United States Bankruptcy Judges

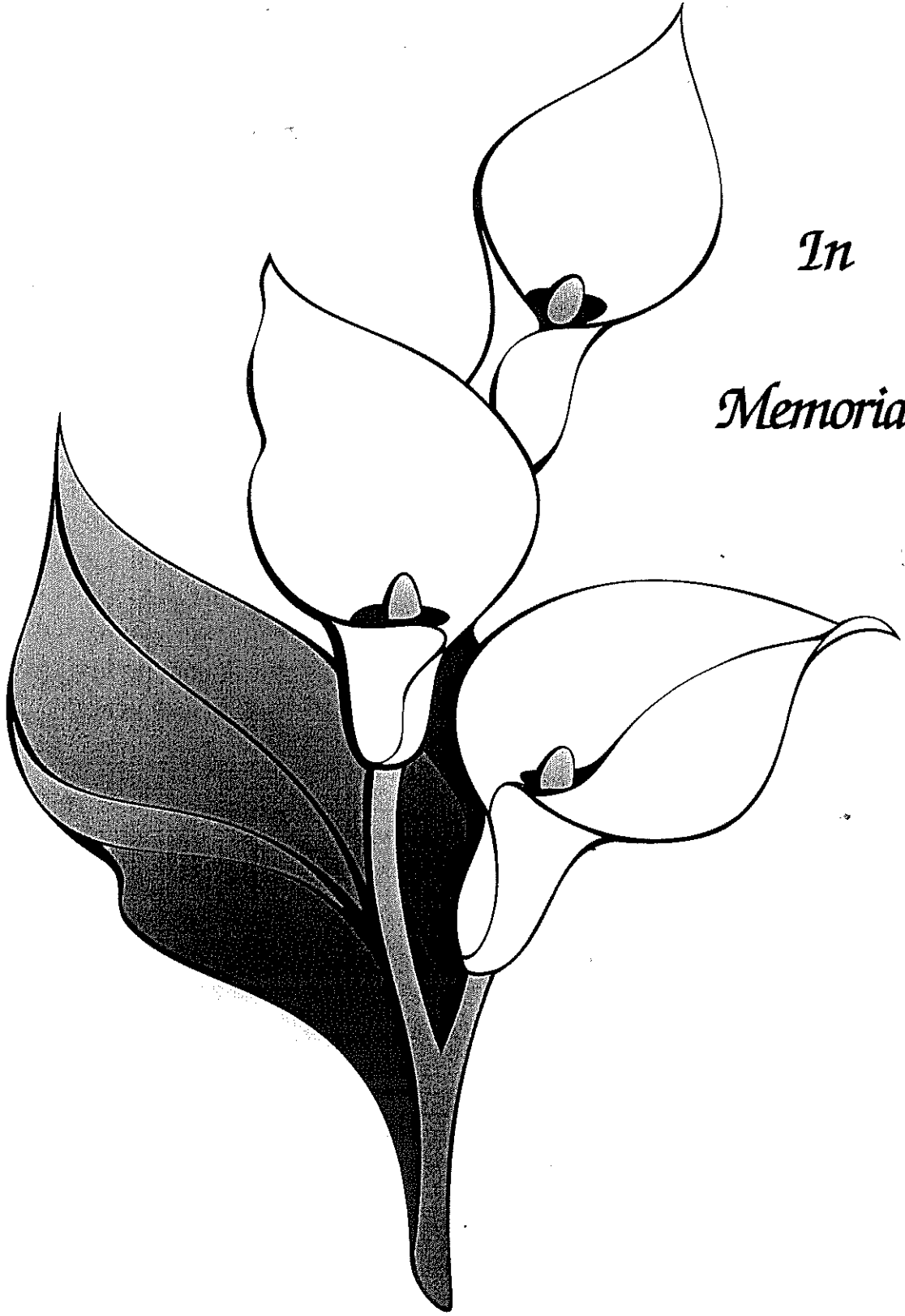
Honorable David S. Kennedy, Chief Judge, Memphis
Honorable William H. Brown, Memphis
Honorable G. Harvey Boswell, Jackson
Honorable Jennie D. Latta, Memphis

United States Magistrate Judges

Honorable Diane K. Vescovo, Memphis

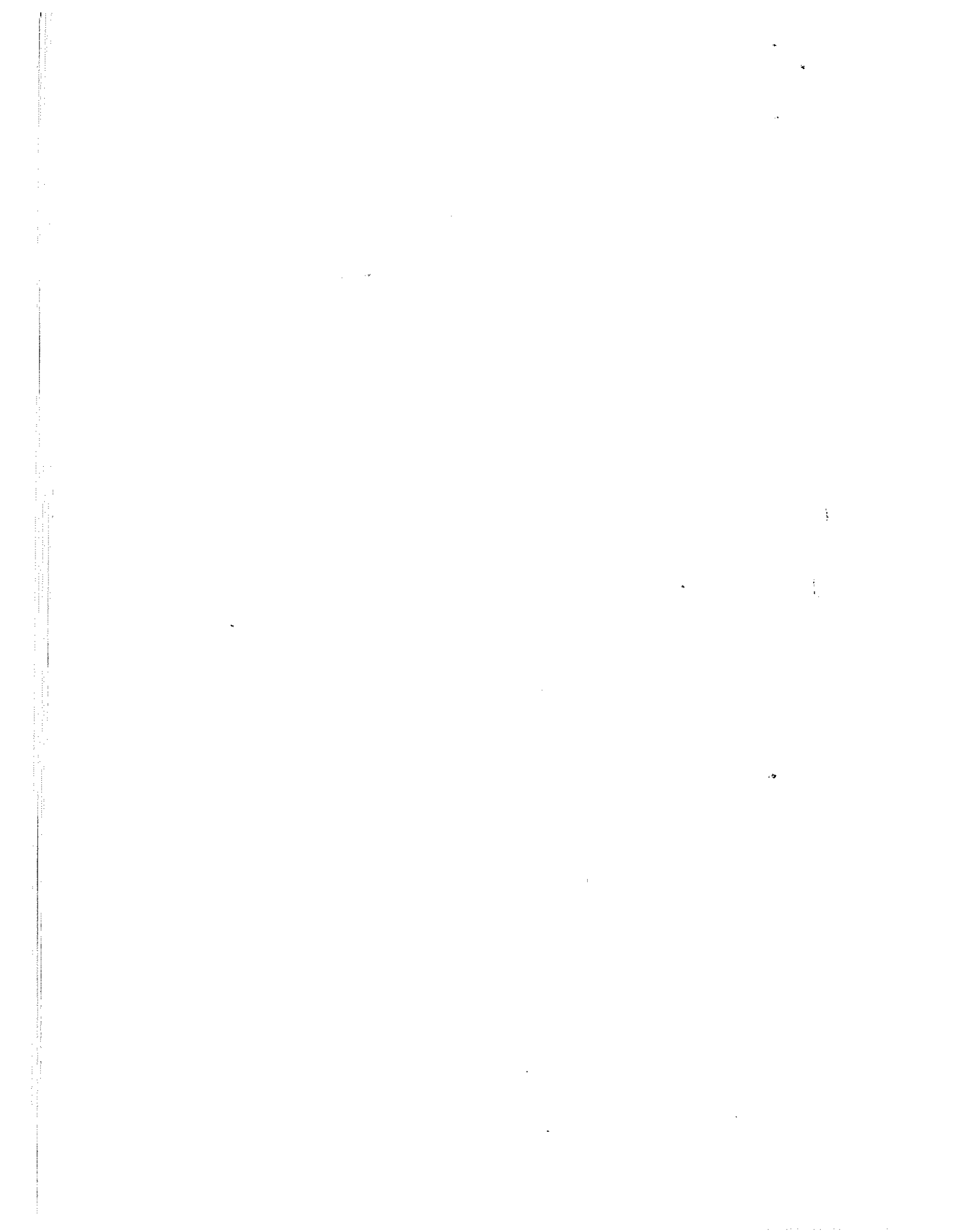
United States Magistrate Judge Retired

Honorable James H. Allen, Sr., Memphis



In

Memoriam



**MEMORIAL RESOLUTION IN HONOR OF
JOSEPH P. KINNEARY
1905-2003**

When word reached the Judges of the Southern District of Ohio on February 14th that our colleague, Joseph P. Kinneary, had passed away in his sleep at the age of 97, our emotions were greater than just sorrow in the passing of a beloved colleague and friend. Certainly, a feeling of great loss was among the emotions felt and expressed, but there was also a feeling of enormous respect for the lengthy and productive career he contributed to the people of Southern Ohio. There was also a deep sense of gratitude that we had the good fortune to share the Bench with this extraordinary person who was mentor and friend to all of us.

The public record is well known. He was a native of Cincinnati and a proud graduate of the University of Notre Dame (he served a term as President of its local Alumni Association and was named the Notre Dame Man of the Year in 1966 by the University and the Notre Dame Club of Columbus) and of the University of Cincinnati College of Law (from which University he received an Honorary Doctorate, LLD, after having previously been named the Law School's Distinguished Alumnus of the Year). Joe Kinneary served his country for three and one-half years during World War II in the Legal Division of the Quartermaster Corp of the Army of the United States, being honorably discharged with the rank of Captain. Following the private practice of law in Cincinnati, he served a two-year term as First Assistant Attorney General of Ohio from 1949 to 1951. He then resumed the private practice of law in Columbus and, during a very successful career in the practice, was appointed United States Attorney for the Southern District of Ohio by President John F. Kennedy in 1961. He served in that position until he entered on duty as United States District Judge for the Southern District of Ohio on August 4, 1966, a position to which he was appointed by President Lyndon Baines Johnson. He served as Chief Judge of our Court from January, 1973, to September, 1975.

On September 19, 1995, during a celebration of Judge Kinneary's 90th birthday, he received a letter from President Clinton who said that "the nation owes you its gratitude for your 29 years of exemplary service on the federal bench" and "your commitment to the law and dedication to public service have remained an inspiration to all Americans." At the time of his retirement in 2001, he was the oldest district court judge in the nation still rendering valuable service to the public. Although his mental abilities were still extremely sharp, the physical infirmities of advancing age forced his reluctant retirement.

His service on the Bench was legendary. He was the quintessential no-nonsense Federal Judge who demanded impeccable conduct, promptness and appropriate attire from lawyers, parties, witnesses and jurors. For 35 years, until his retirement just a few days short of his 96th birthday, at a time when he was still shouldering a 100% draw of criminal cases and an 80% share of civil matters, he rigorously, diligently, fairly, compassionately and with unsurpassed integrity upheld the majesty of the law and the dignity of our system of justice. He considered his courtroom to be a Temple of Justice, declaring that "the courtroom really is the only physical place where an ordinary citizen comes in contact with the big concept of the federal government, and for that reason alone, the courtroom is a sacred place, the place where an ordinary citizen is given his rights or restrained in his rights, a place where the Constitution and all of our history come into being."

As stern as he appeared in the courtroom, he was the polar opposite off the Bench. Possessed of a soft heart, so often disguised in the courtroom, a ready laugh, a constant smile accompanying an Irish twinkle in his eyes and a great sense of humor, his colleagues enjoyed and will greatly miss his charm, his grace and his warmth. For any one of us, it is absolutely impossible to think of Joe Kinneary, whether those thoughts be of him in Court or out, without a smile coming to our face and a sense of warmth to our heart. Likewise, we submit, the same can be said of any one of you who knew him well.

In 1998, as a sign of the tremendous respect in which he was held by the people of the community he served, our Columbus Courthouse was named by Congress in his honor, the Joseph P. Kinneary United States Courthouse. While

the man may be gone, his legacy will live on as justice is dispensed on a daily basis in the building where he served for 40 years and which will carry his name forever.

Joe is survived by his stepdaughter, Elizabeth Ann (Betsy) Hulseley of Darien, Connecticut, a step-grandchild, Sarah, and loving nephews, a niece and a grand-niece. His beloved wife, Byrnece, died in 1994.

Now, therefore, BE IT RESOLVED that the Sixty-Third Judicial Conference of the Sixth Circuit, in session at Memphis, Tennessee, this 10th day of April, 2003, pays tribute and appreciation to the memory of Judge Joseph P. Kinneary, who served the nation and the Southern District of Ohio so faithfully and well.

BE IT FURTHER RESOLVED that a copy of this Resolution be preserved upon the records of this Conference and that a copy hereof be forwarded to the family as a testament of the affection and admiration in which Judge Kinneary was held by his colleagues and by the members of this Conference.

Respectfully submitted,
Walter H. Rice, Chief Judge
United States District Court
Southern District of Ohio

James L. Graham, District Judge
United States District Court
Southern District of Ohio

John D. Holschuh, Senior Judge
United States District Court
Southern District of Ohio